

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DENNIS DAYE,)
Petitioner,)
v.) Civil Action No. 04-12045-RGS
KATHLEEN M. DENNEHY,)
Respondent.)

)

**ASSENTED-TO MOTION TO EXTEND TIME
FOR RESPONDING TO
PETITION FOR WRIT OF HABEAS CORPUS**

Kathleen M. Dennehy, the respondent in the above-captioned matter, hereby submits this assented-to motion for an extension of the time in which she may respond to the petition for a writ of habeas corpus filed by the petitioner, Dennis Daye, for a period of thirty (30) days, until and including January 7, 2005. As grounds for this motion, the respondent states that counsel for the respondent and counsel for the petitioner are attempting to reach an agreement on certain issues raised by the petition for a writ of habeas corpus, in hopes of avoiding the need for motion practice before this Court. Extending the deadline for responding to the petition until January 7, 2005, will give counsel the opportunity to work to resolve these issues. (The period of thirty days is needed because counsel for the petitioner may need to confer with her client, who is currently incarcerated, and counsel for both parties are mindful of the intervening holidays.)

Counsel for the petitioner has assented to this motion. Moreover, granting the motion will not cause prejudice to any party and will not unduly delay the proceedings.

WHEREFORE, the respondent respectfully requests that this Court extend the deadline

in which the respondent may respond to the petition for habeas corpus until and including January 7, 2005.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Maura D. McLaughlin
Maura D. McLaughlin
Assistant Attorney General
Criminal Bureau
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200 ext. 2857
BBO No. 634923

Assented:

DENNIS DAYE

By his attorney,

/s/ Rosemary Curran Scapicchio (by MDM)
Rosemary Curran Scapicchio

Dated: December 8, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon Rosemary Curran Scapicchio, Esq., counsel for the petitioner, Dennis Daye, on December 8, 2004, by depositing the copy in the office depository for collection and delivery by first-class mail, postage pre-paid, as follows: Rosemary Curran Scapicchio, Esq., Four Longfellow Place, Suite 3703, Boston, Massachusetts 02114.

Maura D. McLaughlin